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Chapter No. 414
16/SS26/R532SG
LR 1/1/16

SENATE BILL NO. 2111

Originated in Senate

Stephania

Secretary

SENATE BILL NO. 2111

AN ACT TO AMEND SECTION 27-45-21, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CHANCERY CLERKS TO ELECTRONICALLY CERTIFY TO THE SECRETARY OF STATE THE LIST OF ALL LANDS STRUCK OFF TO THE STATE FOR TAXES; TO AMEND SECTION 29-1-37, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF STATE TO SELL STATE-FORFEITED TAX LANDS BY ONLINE AUCTION; TO AMEND SECTION 29-1-75, MISSISSIPPI CODE OF 1972, TO REMOVE THE JULY 1, 2016 REPEAL DATE ON THE PROVISION THAT PLACES RESTRICTIONS ON THE PURCHASE OR OWNERSHIP OF TAX-FORFEITED LANDS BY CORPORATIONS AND NONRESIDENT ALIENS; TO AMEND SECTION 29-1-81, MISSISSIPPI CODE OF 1972, TO MODIFY THE PROCEDURE FOR THE CONVEYANCE OF LAND BY THE STATE IN FEE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-45-21, Mississippi Code of 1972, is amended as follows:

27-45-21. (1) It shall be the duty of the chancery clerk, within thirty (30) days after the period of redemption has expired, to certify to the * * * Secretary of State a list, on forms provided by the * * * Secretary of State, of all lands struck off to the state for taxes, which have not been redeemed. * * * The list shall show a description of the land, all costs, officer's and printer's fees, the tax for which it

sold, segregated as to state, county, levee and drainage districts, and of all taxes due on * * * the lands for the year in which it was struck off to the state, segregated as to state, county, levee and drainage districts, a total of two (2) years' taxes listed separately (the taxes for which it sold and accrued taxes for one (1) year). If any chancery clerk shall fail or neglect to transmit such lists within the time specified, he shall be liable to the state on his official bond in the penalty of Fifty Dollars (\$50.00) for each day that he is in default * * *. The penalty to be collected by the * * * Department of Revenue, or by the Attorney General, in a suit instituted for that purpose upon request of the * * * Secretary of State; provided that the * * * Secretary of State, if so requested by any chancery clerk before the expiration of ten (10) days and for good cause shown, may grant a reasonable extension of the time within which * * * the clerk shall transmit his list.

(2) The Secretary of State may provide the forms described in subsection (1) of this section for certifying lands struck off to the state for taxes to the chancery clerk as an electronic record. The chancery clerk may certify the list of all lands struck off to the state by completing and submitting the form containing the electronic signature of the chancery clerk to the Secretary of State. An electronic record of the list submitted by the chancery clerk to the Secretary of State in the prescribed form and containing the electronic signature of the chancery clerk

shall vest good title in the State of Mississippi to all lands listed in the form.

SECTION 2. Section 29-1-37, Mississippi Code of 1972, is amended as follows:

29-1-37 (1) Except as otherwise provided in subsection (2) of this section, any person desiring to purchase any state-forfeited tax land shall make application in writing to the Secretary of State for the purchase of such land, and shall state in such application:

(a) A correct description of the land sought to be purchased.

(b) The name of the former owner and the name of the person to whom such land was assessed at the time of such tax sale, and the post office address of such former owner and the post office address of the person to whom such land was assessed at the time of such sale, if known to the applicant.

(c) Whether or not such land is occupied at the date of the filing of such application, and the name of the person occupying such land, if any.

(d) The nature and value of the improvements on such land.

(e) The approximate quantity of the merchantable timber on such land, if any.

(f) Any other special information as the Secretary of State, with the approval of the Governor, may require.

Each application shall be signed by the applicant and shall contain a declaration that the statements and information submitted in the application are true and correct and are made under penalty of perjury. The Secretary of State may require any additional information with reference to the value of such lands, the nature and condition of the buildings and improvements on such lands, and the value of the timber on such lands as he may deem necessary. Such applications shall be filed by the Secretary of State in the order in which they are received. Each application shall be given a serial number and shall be entered on a record book on the day it is received. The record book shall show the name of the applicant, the serial number of the application, and the county in which the property is situated.

An application so filed shall remain on file with the Secretary of State at least thirty (30) days before it is acted upon and finally approved or disapproved. Applications made by state agencies, counties, municipalities or other political subdivisions of the state may be acted upon immediately after filing, and shall not be required to be on file the thirty (30) days herein provided.

(2) Except as otherwise provided in subsection (3) of this section, the Secretary of State, with the approval of the Governor, may dispose of any state-forfeited tax land by sealed bids after three (3) weeks' advertisement in a newspaper in the county in which such land is located.

(3) The Secretary of State may sell state-forfeited tax land by online auction. The Secretary of State may establish procedures and adopt administrative rules for the sale of state-forfeited tax land by online auction.

SECTION 3. Section 29-1-75, Mississippi Code of 1972, is amended as follows:

29-1-75. (1) Except as otherwise provided in this section, neither a corporation nor a nonresident alien, nor any association of persons composed in whole or in part of nonresident aliens, shall directly or indirectly purchase or become the owner of any of the public lands; and every patent issued in contravention hereof shall be void.

(2) (a) A banking corporation owning such tax-forfeited lands or holding a mortgage or deed of trust thereon at the time of the sale to the state, and whose mortgage or deed of trust is still in force and effect, may purchase such lands, regardless of acreage, owned by it as aforesaid or on which it held a mortgage or deed of trust. In event of a purchase by such corporation as a mortgagee, such lands shall be held for the benefit of the mortgagor subject to all the terms and conditions of the mortgage or deed of trust held by the purchasing banking corporation and, upon payment of the debt secured by such mortgage or deed of trust, together with interest and incidents, such banking corporation shall in that event reconvey such lands to the original mortgagor, his heirs or assigns.

(b) Any other nonbanking corporation may purchase lands sold or forfeited to the state for delinquent taxes under any section of Chapter 1, Title 29, specifically relating to the sale of such tax-forfeited lands by the Secretary of State. A nonbanking corporation purchasing land sold or forfeited to the state shall be subject to the acreage limitations of Section 29-1-73.

(c) Nonresident aliens may acquire and hold not to exceed three hundred twenty (320) acres of public lands in this state for the purpose of industrial development thereon. In addition, any nonresident alien may acquire and hold not to exceed five (5) acres of public lands for residential purposes. If any land acquired by a nonresident alien for the purpose of industrial development ceases to be used for industrial development, it shall escheat to the public body that sold such land to the nonresident alien.

*(3) This section shall stand repealed on July 1, *** 2019.*

SECTION 4. Section 29-1-81, Mississippi Code of 1972, is amended as follows:

29-1-81. (1) All conveyances of land by the state in fee shall be by patent issued from the Secretary of State's office; every patent issued shall be under the great seal, signed by the Secretary of State.

(2) (a) The patent shall be issued * * * by the Office of the Secretary of State * * * and delivered to the patentee * * *.

A copy thereof shall be retained by the Secretary of State among the records of his office * * *.

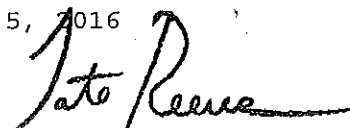
(b) The Secretary of State may file the original patent with the chancery clerk and such filing shall constitute the delivery of the patent to the patentee. Prior to filing the original patent, the Secretary of State shall collect from the patentee the sum of Twenty Dollars (\$20.00) to cover the cost of filing the patent. Failure of the Secretary of State to file the patent shall not affect its validity.

(3) All contracts of sale of public lands shall be issued from the Secretary of State's office in duplicate; and every contract issued shall be under the great seal, signed by the Secretary of State and countersigned by the Governor.

(4) No more than one-quarter (1/4) section of land shall be embraced in the same patent or contract, except as otherwise provided by law.

SECTION 5. This act shall take effect and be in force from and after July 1, 2016.

PASSED BY THE SENATE
April 5, 2016



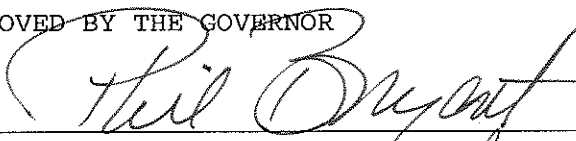
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 25, 2016

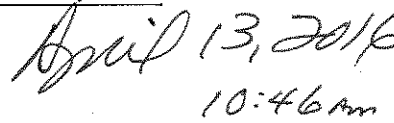


SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR


April 13, 2016
10:46 AM